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October 26, 2022

By ECF

Hon. Philip M. Halpern
United States District Court
300 Quarropas Street
White Plains, New York 10601

Re: Gioia, Zappier et al v Project Veritas
22-cv-06710
Request to Schedule Pre-Motion Conference Earlier

Dear Judge Halpern:

The Court has set a Pre-Motion Conference on a proposed Motion to Dismiss in this matter for December 14, 2022. In a related matter, *Zappier v Project Veritas*, 7:22-cv-06709, which includes several of the same parties, has been set for a Pre-Motion to Dismiss Conference on November 7, 2022 at 3:30PM. There is a very important overlapping issue in both cases, to wit, whether the Separation Agreement signed by Plaintiff Zappier bars her litigation in both cases, and, or whether this Court should stay the litigation pending the resolution of a NY State Supreme Court proceeding titled *Project Veritas v. Zappier*.

We request that both conferences proceed on November 7, 2022 in the interest of judicial economy and to avoid repetitive argument. Both cases were filed and served on the same day, so holding the conference on the same day would not result in advancing the *Gioia* case unfairly.

In addition, a mediator has been appointed and we expect a mediation session to be held in November. We believe that holding the Pre-Motion Conference prior to mediation will give the attorneys a better idea of where the Court stands on the strengths and weaknesses of their case.

Thank you for your consideration.

Respectfully submitted,

/s/ *Arthur Z. Schwartz*
Arthur Z. Schwartz

cc: All Counsel (by ECF)